IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16758 of 2003

Between:

The Andhra Pradesh State Trading Corporation Ltd., Fateh Maidan Road,
rep. by its General Manager

..... PETITIONER

AND

1 The State of A.P., rep. by its Secretary Civil Supplies Department, Secretariat Buildings, Hyderabad
2 The Commissioner, Civil Supplies Department, Civil Supplies Bhavan, Somajiguda, Hyderabad
3 The District Collector (Civil Supplies), Hyderabad District, Hyderabad
4 The District Supply Officer, Civil Supplies Department, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of Mandamus and declare that the action of the first and second respondents in insisting payment of Rs.100/- per M.T. for the purpose of obtaining export permissions for export of par boiled rice from the Visakhapatnam/Kakinada/Haldia Port in the State of Andhra Pradesh as illegal, arbitrary and without jurisdiction and as being violative Articles 14 and 300A of the Constitution of India and consequently extend the benefits of Judgment in W.P.No. 6033 of 1997 and batch dated 25-11-2002.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents : G.P. for Civil Supplies.

The Court made the following :

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O R D E R :

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In this Writ Petition, the petitioner seeks to assail, by way of writ of mandamus, the Order of respondents 1 and 2 in insisting payment for Rs.100/- per metric ton for the purpose of obtaining export permission for export of par boiled rice from the Visakhapatnam/ Kakinada/Haldia Port in the State of Andhra Pradesh, as illegal and void.

The learned counsel appearing for the petitioner submits that the question involved is squarely covered by the judgment in W.P.No.6033 of 1997 and batch dated 25-11-2002, wherein this Court held that the imposition and collection of fees is illegal and without jurisdiction. Following the same, the Writ Petition is accordingly, allowed.

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26-07-2004

prv

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this the Monday, the twenty sixth day of July Two Thousand and Four.

To

1 The Secretary, State of A.P., Civil Supplies {along with copy

Department, Secretariat Buildings, Hyderabad {of judgment

2 The Commissioner, Civil Supplies Department, {in W.P.No.6033/97

Civil Supplies Bhavan, {and
Somajiguda, Hyderabad {batch
3 The District Collector (Civil Supplies), {dt.25-11-2002.

Hyderabad District, Hyderabad. {
4 The District Supply Officer, Civil Supplies

Department, Hyderabad.

5 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT).

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